



State of New Jersey

Department of Environmental Protection

P.O. Box 402

Trenton, New Jersey 08625

PHILIP D. MURPHY
Governor

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

CERTIFICATION OF THE AUGUST 28, 2018 AMENDMENT TO THE CUMBERLAND COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission (previously known as the New Jersey Meadowlands Commission, and now known as New Jersey Sports & Exposition Authority or NJSEA) develop comprehensive plans for waste management in their respective districts. On May 10, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Cumberland County District Solid Waste Management Plan (County Plan).

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Cumberland County Board of Chosen Freeholders (County Freeholders) completed such a review and on August 28, 2018 adopted an amendment to its approved County Plan.

The August 28, 2018 Amendment (Amendment) proposes County Plan inclusion of a modified solid waste flow control system whereby the Cumberland County Solid Waste Complex, located at 169 Jesse Bridge Road in Deerfield Township, is designated as the only disposal facility for solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within all municipalities by any residential, commercial, industrial, or institutional establishment located within Cumberland County.

The Amendment was received on December 14, 2018 and considered administratively complete for review by the Department on December 18, 2018 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this Amendment and has determined that the Amendment adopted by the County Freeholders on August 28, 2018 is approved as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Cumberland County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the August 28, 2018 Amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that the Amendment is consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders are notified of the elements relative to the Amendment which are included below.

Element of the August 28, 2018 Amendment

Element: Modification of Solid Waste Flow Control

The August 28, 2018 Amendment proposes County Plan inclusion of a modified solid waste flow control system whereby the Cumberland County Solid Waste Complex (CCSWC), located at 169 Jesse Bridge Road in Deerfield Township, is designated as the only disposal facility for solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within all municipalities by any residential, commercial, industrial, or institutional establishment located within Cumberland County.

This Amendment modifies the April 26, 2011 Amendment which included into the County Plan the CCSWC as the designated disposal facility for all solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within Cumberland County, except for the direct shipment of solid waste from the generating source to an out-of-state disposal facility. The August 28, 2018 Amendment removes the reference to the transport of such waste out-of-state for disposal from the County Plan.

The use of permitted materials recovery facilities located within the State of New Jersey to remove materials from Cumberland County generated solid waste for the purpose of recycling or reuse is not a violation of the provisions of the County Plan, provided that the residue (non-recycled recovered materials) resulting from Cumberland County generated solid waste delivered to such materials recovery facility is disposed of in accordance with the provisions of the Cumberland County Solid Waste Management Plan.

C. Certification of the Cumberland County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the August 28, 2018 Amendment to the approved County Plan and certify to the County Freeholders that the Amendment is approved as further specified below.

The County Plan inclusion of a modified solid waste flow control system whereby Cumberland County Solid Waste Complex, located at 169 Jesse Bridge Road in Deerfield Township, is designated as the only disposal facility for solid waste types 10, 13, 13C, 23, 25, 27, and 27A generated within all municipalities by any residential, commercial, industrial, or institutional establishment located within Cumberland County is approved.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this Amendment and which was executed prior to the Certification of this Amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions in this Amendment. Any solid waste collection operation or disposal facility authorized by the Department and operating pursuant to a contract which is inconsistent with this Amendment, shall be deemed to be in violation of this Amendment and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of this Amendment provided, however, that any such authorized entity may, upon application to the Department, and for good cause shown, obtain an extension of time in writing to complete such renegotiation.

2. Compliance

All solid waste facility owners and/or operators authorized by the Department and operating within the County and affected by this Amendment shall operate in compliance with this Amendment and all other approved provisions of the County Plan. Any facility owner or operator who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., N.J.A.C. 7:26-1 et seq., and in violation of their authorization to operate a solid waste facility, recycling center, or a collection system by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Certification to Proceed with Implementation of Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c. and f., the County Freeholders shall proceed with the implementation of the approved components of the Amendment certified herein.

4. Definitions

For the purpose of this Amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

5. Effective Date of Amendment

The approved components of the Amendment to the County Plan contained herein shall take effect immediately.

6. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform to the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, and also includes the compilation of individual County Plans and amendments as they are approved.

E. Certification of Approval of the Amendment by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the Amendment, as outlined in Section C. of this Certification, to the Cumberland County District Solid Waste Management Plan which was adopted by the Cumberland County Board of Chosen Freeholders on August 28, 2018.

3/6/19
Date


Catherine R. McCabe